

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff)

Daiviontae Tyrell Johnson

v.

Case Number: _____

(Full name of defendant(s))

Christopher Schmaling, Sheriff

(to be supplied by Clerk of Court)

Capt. Bradley Friend

CO. TREVOR TRELLO

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at _____
(State)

Waupun Correctional Institution PO Box 351, Waupun WI 53963
(Address of prison or jail)

2. Defendant Christopher Schmaling, Capt Bradley Friend, CO, Trevor Trello
(Name)

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at Racine County Jail 717 Wisconsin Ave Racine WI 53403
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Racine County Jail, 717 Wisconsin Ave Racine WI 53403
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

Christopher Schmaling, Capt. Bradley Friend, CO
TREVOR Trello, Failure To Protect, CREW an Unusually
Punishment, Assesful Froce, On December 2 2021
At Approximately 1715 Hours, In Racine County Jail on
3D Seg, I Daviontae Johnson Was Assaulted By A Inmate
Due To Inmate cell Door An Dayroom Door Being propped By
Inmate. I Daviontae Johnson was order By CO Trevor
Trello To come out my cell An Recive my ~~the~~ Dinner Tray
From Seg common Area main Door. At This Time A Inmate
Came out To Assaulted me. The Rules In Seg are 1 Inmate
out of cell In ^{Seg} Common Area At a Time. I Daviontae Johnson
Ask CO Trevor Trello At small Dayroom Door Dayroom 6

Where I Damiontae Johnson was housed in Racine county Jail
In Seg on December 2 2021 At Approximately 8:00pm - 8:30pm
While Officer Trevor Trelo Body worn camera was on, How
This Assault Happen, which officer Trelo stated (He
Fxxx up Because Inmate Had His Door propped An Didn't
Pay Attention to Serenity ^{Stacey} ~~Stacey~~ If all Doors were
Secured. I Damiontae Johnson Then wrote a grievance
on The Situation To Sgt Morris who was The Sgt on 2nd
Shift on December 2 2021, How Did This Happen
Which lead me to Being Assaulted When I was order to
Come out my cell An Receive my Dinner Tray. Grievance
Wrote on December 4 2021, I Damiontae Johnson Didn't Receive
a Response until 1/16/22 Which stated It would be looked into
By a Deputy. I Damiontae Johnson wrote to LT you An
ASK How Did This Happen Which lead me to Being Assaulted
on December 8 2021 But Never Receive a Response. I Damiontae
Johnson Then wrote a grievance To capt Friend an ask How
Did This Happen Which lead up to me Being Assaulted on
December 10 2021 An all He stated That Incident will be
looked into. I Damiontae Johnson would like to use Disciplinary
Report as evidence I would like to use ~~some~~ Seg common Area cameras, Body
worn camera of CO Trevor Trelo, The Hearing Dispositions Comments An
Desion of Sgt Amiehel Anderson. Incident # 21-002405. DUE TO
Being Assaulted I Damiontae Johnson suffer From PTSD / Anxiety
Trouble with my eyes which cause me wear glasses Now I don't pose to be
sprayed with OC spray due to medical condition I Damiontae Johnson Have Asthma!

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I would like To Be award 5million Dollars all
medical Bills paid For Pretending To my eyes, I
would like Officer Trevor Trello To Be Banned From
Working In The Racine county Jail. I would like The
Security System To Be update To prevent another
Inmate From Being assaulted, while House In seg. I would
like Staff In The Racine county Jail Be Banned From
Spraying OC Spray on Inmates with Astma. Please,
An Thank you For Hearing my story!

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 25 day of July 2022.

Respectfully Submitted,

Dairiontee Johnson
Signature of Plaintiff

706838 #
Plaintiff's Prisoner ID Number

Waupun Correctional Institution
PO Box 351 Waupun WI 53963
(Mailing Address of Plaintiff)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.